

STATE BOARD OF EDUCATION
ADMINISTRATIVE CODE
COMMENT/RESPONSE FORM

This comment and response form contains comments from the October 6, 2004 meeting of the State Board of Education when the draft regulations were considered at Discussion Level.

Topic: Student Transportation

Meeting Date: November 3, 2004

Code Citation: N.J.A.C. 6A:27

Level: Second Discussion Level

Division: Finance

Completed by: Office of Student
Transportation

Summary of Comments and Agency Responses:

The following is a summary of the comments received from State Board of Education members and the department's responses. Each commenter is identified at the end of the comment by a number, which corresponds to the following list:

1. Maud Dahme, Member
State Board of Education
2. Kathleen Dietz, Member
State Board of Education
3. Roberta Van Anda, Member
State Board of Education

1. COMMENT: The commenter asked whether the proposed rules being presented are amendments to the existing rules. **(1)**

RESPONSE: The chapter is being proposed for readoption with amendments.

2. COMMENT: The commenter questioned whether rules could be proposed to waive transportation in situations in which high school students who have been assigned seats on a school bus route elect instead to drive to school each day, while the district board of education continues to pay for their seats. **(3)**

RESPONSE: Students who are eligible for transportation must be provided with a seat on a school bus route. However, district boards of education routinely overload high school routes with the knowledge that many high school students drive to and from school. District boards of education bid for transportation by route, not by seat, and incur minimal expense for students who drive to school.

3. COMMENT: The commenter agrees that the obligation to transport should be waived when a student drives to and from school. **(2)**

RESPONSE: A student's right to transportation cannot be waived. Designing routes that overload high school buses is the best solution to address this issue.

4. COMMENT: The commenter asked why students riding on a sports bus are required to return from the event on that bus even when their families have attended the same event. **(3)**

RESPONSE: This situation may be the result of district board of education policies. The rules do not address this issue.

AGENCY INITIATED CHANGES

N.J.A.C. 6A:27-9.4 – Responsibilities of the Bidder

1. The department proposes a technical amendment to recodify N.J.A.C. 6A:27-9.4(g)1 and 9.4(g)2 at N.J.A.C. 6A:27-9.4(h) and 9.4(i).

[1] **(h)** A surety bond shall be provided for the faithful performance of all provisions of the specifications and for all matters contained in the notice to bidders relating to the performance of the contract.

[2] **(i)** The performance surety bond shall be either a corporate surety bond or personal surety bond as required by the district board of education.

2. The department proposes new language at N.J.A.C. 6A:27-9.4(j) to clarify when a performance surety bond is to be submitted by the bidder to the district board of education.

(j) The performance surety bond shall be submitted to the district board of education with an executed contract prior to the start date of the contract.